

JB

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

SEP 08 2023 ELJ

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

JOSEPH D MICHAISKI

Plaintiff(s),

vs.

JEREMY HECK

Defendant(s).

23-cv-8143
Judge Tharp
Magistrate Judge Weisman
RANDOM / CAT 2

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is JOSEPH D MICHAISKI.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, Jeremy Heck, is
(name, badge number if known)
- ☒ an officer or official employed by Herscher High School;
(department or agency of government)
- _____ or
- ☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is Herscher, IL of Kankakee County. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about October 21st, 2022, at approximately 11:45 ☒ a.m. ☐ p.m.
(month, day, year)
- plaintiff was present in the municipality (or unincorporated area) of Herscher,
Illinois, in the County of Kankakee,
State of Illinois, at 501 N main street, Herscher, IL 60941,
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows *(Place X in each box that applies)*:

- ☐ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☐ searched plaintiff or his property without a warrant and without reasonable cause;
- ☐ used excessive force upon plaintiff;
- ☐ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with needed medical care;
- ☒ conspired together to violate one or more of plaintiff's civil rights;
- ☒ Other:
Issued punishment or reprimand for utilizing the First
Amendment right of free speech w/ a third party

- _____.
7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): _____
- _____
- _____
- _____.
8. Plaintiff was charged with one or more crimes, specifically:
- _____
- _____
- _____
- _____
- _____
9. (*Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"*) The criminal proceedings
- ☐ are still pending.
- ☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹
- ☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____
- _____.
- ☒ Other: Not applicable
- _____.

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

Jeremy Heck acting as the Assistant Principal of Herscher High School did not personally like my interacting with a third party, that being a student herein, and as a government official violated my First Amendment right of free speech due to the fact that I spoke with third party at a point in time I had no other assigned duties, nor was disrupting in any fashion, the educational environment. Defendant argued that it was in the best interest of the school to do so. Jeremy has since moved careers to South Wilmington, but the effect of his unjustness lingers on.

11. Defendant acted knowingly, intentionally, willfully and maliciously. YES

12. As a result of defendant's conduct, plaintiff was injured as follows:

Plaintiff felt intimidated, as Jeremy's conduct caused witchhunts and false accusations to brew in this community, these still occurring as late as August 2023, despite my change of residence as well.

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: Joseph D Michalski

Plaintiff's name (print clearly or type): JOSEPH D MICHALSKI

Plaintiff's mailing address: 12228 GREENWOOD AVE

City BIVE ISLAND State IL ZIP 60406

Plaintiff's telephone number: (815) 242-1220

Plaintiff's email address (if you prefer to be contacted by email): _____

15. Plaintiff has previously filed a case in this district. ☒ Yes ☐ No

If yes, please list the cases below.

CASE ON IRS

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.